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6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,

CASE NO. 1:20-mj-2-SKO

10 Plaintiff,

STIPULATION TO CONTINUE

11 v.

12 PAO VANG,
a/k/a "CLOWNSY,"
13 JHOVANNY DELGADO-MARCELO
a/k/a "JHIO," and
14 JOHNNY XIONG,

15 Defendants.

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17 Plaintiff, United States of America, by and through its counsel of record, the United States
18 Attorney for the Eastern District of California and the defendants, PAO VANG, a/k/a "CLOWNSY,"
19 JHOVANNY DELGADO-MARCELO, a/k/a "JHIO," and JOHNNY XIONG, by and through their
20 counsel, hereby agree and stipulate to continue the status hearing and preliminary hearing in this matter,
21 which is currently set for March 4, 2020. The parties request that the Court continue the date for the
22 defendants' preliminary hearing or arraignment to April 17, 2020, at 2:00 pm. The parties also request
23 that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP
24 5.1(c) be extended through April 17, 2020. The parties agree that, taking into account the public interest
25 in prompt disposition of criminal cases, good cause exists for this extension.

26 The defendant also agrees to exclude for this period of time any time limits applicable under 18
27 U.S.C. § 3161. The parties agree that the continuance represents the reasonable time necessary for
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1 effective preparation of counsel. 18 U.S.C. § 3161(h)(7)(A)-(B)(iv). In support thereof, the parties
2 stipulate that:

1. The government provided the Defendants with initial discovery that will be supplemented with additional discovery this week. To date, the government has provided numerous recordings related to interview conducted during this investigation. The government is supplementing the discovery with numerous reports that were prepared as part of this investigation. The defense needs time to review these reports and it is in the interest of the parties to delay the upcoming hearing until after the discovery is produced.
2. The government has also asked to meet with the defense related to the case, evidence, and potential charges prior to the next hearing. This meeting will be more productive if it is held after the upcoming production of discovery.
3. As a consequence, the parties agree that a continuance until April 17, 2020, is warranted. The parties expect that during that period the defense will have the opportunity to meet with their respective clients.
4. The parties stipulate that the period of time from March 4, 2020, through April 17, 2020, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: February 20, 2020

MCGREGOR W. SCOTT
United States Attorney

Dated: February 20, 2020

/s/ Benjamin A. Gerson
Attorney for Defendant
JHOVANNY DELGADO-MARCELO

1 Dated: February 20, 2020

/s/ Robert Lamanuzzi
Attorney for Defendant
JOHNNY XIONG

2 Dated: February 20, 2020

/s/ Harry Drandell
Attorney for Defendant
PAO VANG

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7 **O R D E R**

8 IT IS ORDERED that the defendants' preliminary hearing or arraignment is continued from
9 March 4, 2020, at 2 pm until April 17, 2020, at 2 pm before Magistrate Judge Sheila K. Oberto.

10 IT IS FURTHER ORDERED THAT the period of time from March 4, 2020, through April 17,
11 2020, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i) and (iv), and Fed.
12 R. Crim. P. 5.1(d), because it results from a continuance granted by the Court at defendants' request on
13 the basis of the Court's finding that the ends of justice served by taking such action outweigh the best
14 interest of the public and the defendants in a speedy trial.

15 IT IS SO ORDERED.

16 Dated: February 28, 2020

17 /s/ *Eric P. Groj*
18 UNITED STATES MAGISTRATE JUDGE